

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE)
REVISION OF CHAPTERS 1)
THROUGH 3, 7, 8, AND CHAPTERS 10)
THROUGH 14 OF THE HAZARDOUS)
WASTE MANAGEMENT RULES AND)
REGULATIONS)

STATEMENT OF PRINCIPAL REASONS
FOR ADOPTION

The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112(a)(i), has adopted revisions to Chapters 1 through 3, 7, 8, and Chapters 10 through 14 of the Hazardous Waste Management Rules and Regulations. The revisions to these chapters are the result of changes in the federal Resource Conservation and Recovery Act rules and regulations and correction of errors in Chapters 7 and 14. The following federal register notices provide the basis for changes made to Chapters 1 through 3, 8, and Chapter 10 through 13: 59 F.R. 62896 December 6, 1994; 60 F.R. 26828 May 19, 1995; 60 F.R. 50426 September 29, 1995; 60 F.R. 56952 November 13, 1995; 61 F.R. 4903 February 9, 1996; 61 F.R. 28508 June 5, 1996; 61 F.R. 59932 November 25, 1996; 62 F.R. 1992 January 14, 1997; 62 F.R. 7501 February 19, 1997; 62 F.R. 32451 June 13, 1997; 62 F.R. 32973 June 17, 1997; 62 F.R. 37694 July 14, 1997; 62 F.R. 45568 August 28, 1997; 62 F.R. 64503 December 5, 1997 and 62 F.R. 64635

December 8, 1997.

Chapter 1 is entitled "General Provisions." Chapter 1 includes definitions of terms, a list of references used throughout the regulations, the purpose and scope of the rules and regulations, the hazardous waste permit program requirements, the requirements for rulemaking petitions, and the requirements for the availability of information. Revisions to Chapter 1 include: Section 1(e) is changed to indicate that citation of the Code of Federal Regulations (CFR) in the Hazardous Waste Rules and Regulations is based on the CFR as it exists on December 9, 1997 with two exceptions; addition of definitions for average volatile organic concentration, closure device, continuous seal, cover, emission, enclosure, external floating roof, fixed roof, floating membrane cover, floating roof, hard-piping, in light material service, internal floating roof, maximum organic vapor pressure, metallic shoe seal, no detectable organic emissions, point of waste origination, point of waste treatment, safety device, single-seal system, vapor-mounted seal, volatile organic concentration, waste determination and waste stabilization process; modification of definitions for in light liquid service and malfunction; addition of the references in section 1(g)(i) and corrections of typographical errors.

Chapter 2 is entitled "Identification and Listing of Hazardous Waste" and identifies those waste materials which are subject to regulation as hazardous wastes. Chapter 2 is revised to remove various carbamate wastes from listing as a hazardous

waste in Section 4 and Appendices G and H; language related to several of the listed carbamate wastes is clarified; stored recyclable materials must comply with the Chapter 10, Section 28 and Chapter 11, Section 30 related to organic air emissions and several typographical errors are corrected.

Chapter 3 is entitled "Permit Applications." Chapter 3 contains permit application procedures and requirements for hazardous waste treatment, storage, or disposal facilities, including administrative procedures for permit applications such as permit application contents and review requirements, public notice and comment requirements, permit issuance and appeal procedures. Chapter 3 also specifies the technical information that must be submitted in the permit application. This Chapter is revised to remove sentences from Section 1(s), (t), and (u) which implied the U.S. Environmental Protection Agency would issue permits within the State of Wyoming. Chapter 3 is also revised to require under Section 2(e), (f), (g), (h), and (r) that information be included in the permit application related to organic emissions from tanks, surface impoundments and containers and other information necessary to evaluate compliance with inspection and emission control requirements. Section 1(s)(i) has also been modified to correct citation errors.

Chapter 7 is entitled "Special Forms of Permits." Chapter 7 lists and describes the various forms of special hazardous waste permits. Section 1(c)(ii)(F) is revised to add the word until which corrects a typographical error in this subparagraph.

Chapter 8 is entitled "Standards Applicable to Generators of Hazardous Wastes." Chapter 8 establishes the standards that generators of hazardous waste must meet. This chapter is revised to require generators of hazardous waste to comply with Chapter 11, Section 10(i) regarding control of organic air emissions from containers.

Chapter 10 is entitled "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities." Chapter 10 establishes minimum design, location, construction, operation, closure, and post-closure standards for facilities which treat, store, and dispose of hazardous waste. Chapter 10 is amended to include the Organic Air Emissions rule which included changes to the following: Section 2(d)(ii)(F); Section 2(f)(ii)(D); Section 5(d)(ii)(C) and (F); Section 5(h)(iii); Section 23(b); Section 26(a)(ii) and (iii); Section 26(d); Section 26(d); Section 27(a); Section 27(f); Section 27(k); Section 27(m); and Section 27(o)(vii). Further, the Organic Air Emissions rules also added the following: Section 2(d)(ii)(H); Section 8(j); Section 9(k); Section 10(m); Section 26(f)(iii) subparagraphs (I) and (J); Section 27(i)(v); Section 28 is a new section covering air emissions standards for tanks, surface impoundments and containers and the section entitled Containment Building is renumbered to Section 29. Since Section 29 on Containment Buildings had to be renumber, changes were made throughout the section to reflect the renumbering. Section 26(e)(iv)(A), Section 26(e)(vi), and Section 27(n) have also been

corrected to indicated the appropriate EPA method numbers. A final change is contained in Appendix I, Footnote 5 concerning monitoring and testing requirement.

Chapter 11 is entitled Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities. Chapter 11 includes regulations that define the acceptable management of hazardous waste during the period of interim status when a facility is temporarily permitted to operate while awaiting denial or issuance of a permanent permit, and until certification of final closure or applicable post-closure requirements are fulfilled. Chapter 11 is amended to include the Organic Air Emissions rule which includes the following revisions: Section 4(d)(ii)(F) and (H), subparagraph (F) is revised and subparagraph (H) is added; Section 4(f)(ii)(D); Section 7(d)(ii)(C) and (F); Section 7(h); Section 28(a); Section 28(d)(i); Section 28(d)(vi)(B), Section 28(d)(x) and (xi); Section 28(e)(ii); Section 28(f)(iii) corrects a citation in subparagraph (C); Section 29(a); Section 29(f); Section 29(k); and Section 29(o)(xiii). The Organic Air Emissions rule added the following: Section 10(i); Section 11(m); Section 12(m); Section 28(f)(iii), subparagraphs (I) and (J); Section 29(i)(v); Section 29(m); Section 29(o)(vii), subparagraph (F) is added; Section 30 entitled Air Emission Standards for Tanks, Surface Impoundments, and Containers is added. As a consequence of adding Section 30, the section on Containment Buildings is renumber to section 31. Appendix F is

added to Chapter 11 and contains a list of compounds which have Henry's law constants less than 0.1. One other change is found in Section 28(e)(iv) and (vi) where EPA test method numbers have been revised.

Chapter 12 is entitled Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities and Standards for the Management of Used Oil. Chapter 12 includes standards for the management of specific hazardous wastes including recyclable materials used in a manner constituting disposal. The Chapter also includes regulations on specific types of hazardous waste management facilities, as well as standards pertaining to the management of used oil. Chapter 12, Section 8 is revised to indicate that methods for determining emissions of various constituents from boilers and industrial furnaces are contained in SW-846 instead of Appendix I. Further, Appendix I is modified to remove the Section 3.0 Sampling and Analytical Methods.

Chapter 13 is entitled Land Disposal Restrictions. Chapter 13 establishes restrictions on the land disposal of hazardous wastes and includes general requirements and limited exceptions to the land disposal prohibitions. Chapter 13, Section 3(j) is revised to remove various U and K listed carbamate wastes prohibited from land disposal. Section 3(j) is also revised to extend the time spent aluminum potliners may be land disposed to October 8, 1997. Section 4(a)(vii) is revised to allow an extension of the time that alternative treatment standards remain


in effect for carbamate wastes. Section 4 Treatment Standards for Hazardous Waste Table is revised as follows: 25 waste codes are removed; Footnote 9 is moved to the waste code column and removed from the wastewaters and nonwastewaters columns; footnote 8 is simplified to apply only to waste managed in Clean Water Act or Clean Water Act-equivalent systems; the standards for D003 now states that the requirements of section 4(h) do not apply to reactive sulfides, unexploded ordnance and reactive cyanides subcategories; the following waste codes have corrections to various constituents: F027, F028, F037, F039, K006, K062, K088, U003, U190, U027 and K156; footnote 10 is revised to allow extension of the time that alternative treatment standards remain in effect for carbamate wastes; for waste codes 156, 157, and 158 a phrase is added to the waste description; a correction is made for a treatment code from CBMST to CMBST and various other errors are also corrected. Section 4(e) is revised to clarify language for treatment variances. Section 4(h), the table containing the Universal Treatment Standards is revised as follows: Cycloate and 3-Iodo-2-propynyl n-butylcarbamate are removed as constituents from the table; 2-Chloroethyl vinyl ether is added as a constituent; correction of a typographical errors in the table for Diphenylamine and 1,1,2-Trichloro-1,2,2-trifluoroethane and correction of Footnotes 4 through 6.

Chapter 14 is entitled Standards for Universal Waste Management. Chapter 14 establishes standards for the collection and management of the following widely generated wastes:

batteries, pesticides, thermostats, and mercury-containing lamps. Chapter 14 is amended to correct numerous citation, typographical, punctuation and incorrect wording errors which appeared in Sections 1, 2, 3, 6, and 7.

The Council find that these regulations are reasonable and necessary to accomplish the policy and purpose of the Act, as stated in W.S. 35-11-102, and that they have been promulgated in accord with the rulemaking provisions of the Wyoming Administrative Procedures Act.

Dated this 24th day of August, 1997



for the Environmental Quality Council